

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DOUGLAS GIESEK,

3:12-cv-00462-MA

Plaintiff;

ORDER

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

MARSH, Judge

This matter comes before the Court on Plaintiff's Motion (#26) for Attorney's Fees Pursuant to 42 U.S.C. § 406(b). Defendant does not oppose Plaintiff's Motion.

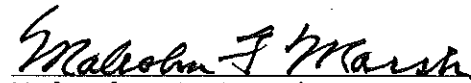
Based on the stipulation of the parties and an independent review of the record, the Court finds the amount of attorney's fees sought by Plaintiff to be reasonable.

Accordingly, Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (#26) is GRANTED. Plaintiff is awarded \$13,101.22 in attorney's fees. Pursuant to Gisbrecht v. Barnhart, 535 U.S. 796 (2002), Plaintiff's counsel must refund to Plaintiff \$5,320.10, the amount of attorney's fees awarded by this Court on

July 8, 2013, under the Equal Access to Justice Act (EAJA). Accordingly, subject to standard fees, Defendant shall withhold the amount previously paid to Plaintiff's counsel pursuant to EAJA in issuing payment for the attorney's fees awarded herein, and remit any withholding to Plaintiff after all administrative and court attorney's fees have been satisfied.

IT IS SO ORDERED.

DATED this 30 day of July, 2014.



Malcolm F. Marsh
United States District Judge